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OFFICE OF PETITIONS

In re Application of :
Danner, et al. :
Application No. 10/632,879 :
Filed: August 1, 2003 :
Attorney Docket No. R087 1060.3 :
DECISION GRANTING PETITION

This is a decision on the petition filed January 5, 2004, requesting that the above-identified application retain the presently accorded filing date of August 1, 2003, with Figure 7 as described in the specification as part of the original disclosure.

On August 1, 2003, the above-identified application was filed. On November 3, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" (the "Notice"), stating that the application had been accorded a filing date of August 1, 2003, however, Figure 7 as described in the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on January 5, 2004 (certificate of mailing dated January 2, 2004), applicant filed the present petition, a copy of Figure 7, and a copy of the Office date-stamped postcard receipt acknowledging receiving twelve sheets of drawings on August 1, 2003.

Upon review of the record, Figure 7 was not located among the original application papers. The evidence is convincing, however, that Figure 7, accompanied the original application papers. Therefore, the application, including Figure 7, was complete on filing and entitled to the presently accorded filing date of August 1, 2003.

Accordingly, the petition is granted. Deposit account 09-0528 will be refunded the petition fee of \$130.00, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of August 1, 2003, using the 12 sheets of drawings filed August 7, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petition